

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SH3 HEALTH CONSULTING, LLC, *et al.*,)
)
Plaintiffs,)
)
v.)
)
ST. LOUIS COUNTY, COUNTY EXECUTIVE))
DR. SAM PAGE,)
in his official capacity only, *et al.*,)
)
Defendants.)

Case No. 4:20-CV-00605 SRC

**PLAINTIFF SH3 HEALTH CONSULTING, LLC'S MOTION TO DISMISS,
BY STIPULATION AND WITHOUT PREJUDICE,
ALL REMAINING CLAIMS**

Remaining Plaintiff SH3 Health Consulting, LLC, by counsel W. Bevis Schock, moves under Fed.R.Civ.P. 41(a)(1)(A)(ii) to dismiss, by stipulation and without prejudice, all remaining claims.

In this case the original two Plaintiffs, SH3, a St. Louis County gym, and Elder's Antiques, LLC, a City of St. Louis antique store, brought claims against various St. Louis County Defendants and various City of St. Louis Defendants, respectively. The substance of the claims were that certain orders of local officials that Plaintiffs close their places of business were unlawful.

After the City of St. Louis Defendants issued orders under which Elder's had the right to open, Elder's moved, Doc. # 33 and the court granted, Doc. # 35, Elder's Motions to Dismiss (a) Elder's itself as a Plaintiff, (b) the City of St. Louis Defendants, and (c) the City of St. Louis claims.

On June 1, 2020 Defendant St. Louis County Executive Sam Page announced orally that gyms in St. Louis County will be allowed to reopen on Monday, June 15, 2020. Although the case is thus not moot as of the date of this filing, pursuant to that announcement SH3's claims will be moot soon, and SH3 therefore concludes it is the better part of wisdom to dismiss without prejudice.

The remaining Defendants, all from St. Louis County, consent by stipulation.

(On May 20, 2020, Doc. # 32, the court ordered the parties to submit by June 3, 2020 briefing on the mootness of the case. Plaintiff presumes that because of this Motion that Order is no longer operative).

WHEREFORE, Plaintiff moves the court to dismiss, by stipulation and without prejudice, all remaining claims.

Respectfully Submitted,

/s/ W. Bevis Schock .
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Respectfully submitted,

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